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Attorney for Defendant,
JAY BRIAN McCASTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JAY BRIAN McCASTLE, DAVID)
TALCOTT USSERY, ROBERT)
ROBINSON and LINDA ANN CHANEY,)
)
Defendants.)

No. CR S 05-0034 LKK

STIPULATION AND ORDER
RE EXCLUDABLE TIME AND
MODIFICATION OF PRETRIAL
MOTION SCHEDULE

Date: November 15, 2005
Time: 9:30 a.m.
Court: Honorable Lawrence K. Karlton,
United States Senior District Court Judge

The parties hereby stipulate to the following:

1. This matter is now set for hearing on motions on **November 15, 2005, at 9:30 a.m.**
Counsel for Jay McCastle has filed several motions scheduled for hearing which have been joined in by counsel for defendant Ussery. Counsel for Mr. Ussery has filed a motion to dismiss which has been joined in by defendant McCastle.
2. The parties herein are attempting to resolve this matter by way of plea, and additional time is needed in order to engage in plea negotiations, and to discuss possible pleas with the defendants. Additionally, the government requests additional time to respond to the defense motions filed. Therefore, it is requested that the motion hearing date be deemed a status conference, and that motions not be heard on that date. It is anticipated that, if

1 necessary, a subsequent motion hearing date and briefing schedule will be discussed at
2 the November 15, 2005 status conference. The government shall have no obligation to
3 respond to the motions filed pending modification of the motion hearing date and briefing
4 schedule.

- 5 3. The parties stipulate, and the court is requested to order, that time continued to be
6 excluded pursuant to Local Code E, 18 U.S.C. 3161(h)(1)(F), as motions are pending, and
7 pursuant to Local Code T4, 18 U.S.C. 3161(h)(8)(B)(iv), for preparation of counsel.
8
9

10 DATED: November 3, 2005 /s/ Tim Warriner, Attorney for defendant,
11 JAY BRIAN McCASTLE

12 DATED: November 3, 2005 /s/ James Ralph Greiner, Attorney for defendant,
13 DAVID TALCOTT USSERY

14 DATED: November 3, 2005 /s/ Christopher Haydn-Meyer, Attorney for defendant,
15 ROBERT ROBINSON

16 DATED: November 3, 2005 /s/ Jan David Karowsky, Attorney for defendant,
17 LINDA ANN CHANEY

18 DATED: November 3, 2005 /s/ Anne Pings, Assistant United States Attorney,
19 Attorney for the Government

20 ORDER

21 GOOD CAUSE APPEARING, it is hereby ordered that the November 15, 2005 motion
22 hearing date be vacated and that the matter instead be set for status conference on that date. It is
23 further ordered that time continue to be excluded pursuant to Local Code E, 18 U.S.C.
24 3161(h)(1)(F), as motions are now pending, and for preparation of counsel pursuant to Local
25 Code T4, 18 U.S.C. 3161(h)(8)(B)(iv).
26

27 DATED: November 3, 2005 /s/ Lawrence K. Karlton
28 HONORABLE LAWRENCE K. KARLTON
Senior, UNITED STATES DISTRICT JUDGE